

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HAROLD CAGE,

Petitioner,

Case Number 08-13104
Honorable David M. Lawson

v.

LLOYD RAPELJE,

Respondent.

ORDER DENYING PETITIONER'S MOTION FOR RELIEF FROM JUDGMENT

The matter is before the Court on the petitioner's motion for relief from judgment. On August 12, 2011, the Court denied the petitioner's petition for writ of habeas corpus and entered judgment in favor of the respondent. The petitioner now seeks relief from judgment on the grounds that a fraud has been perpetrated on the courts due to the petitioner's trial and appellate counsels' misconduct and that radical errors resulted in violations of his Sixth and Fourteenth Amendment rights.

Federal Rule of Civil Procedure 60(b) provides, in pertinent part:

On motion and upon such terms as are just, the court may relieve a party . . . from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud . . . , misrepresentation, or misconduct by an opposing party; . . . (6) any other reason that justifies relief.

Fed. R. Civ. P. 60(b).

The petitioner's motion simply re-argues issues that the Court decided when it adjudicated the habeas petition. A Rule 60(b) motion for relief from judgment is not appropriately used to re-

address issues already decided by the Court. Therefore, the Court will deny the petitioner's motion for relief from judgment.

Accordingly, it is **ORDERED** that the petitioner's motion for relief from judgment [dkt. #102] is **DENIED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: October 6, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on October 6, 2011.

s/Deborah R. Tofil
DEBORAH R. TOFIL